

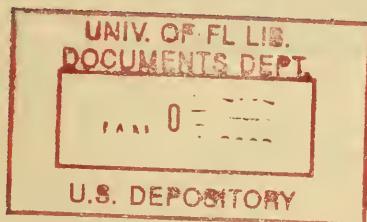
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

RETAIL JEWELRY TRADE

AS APPROVED ON NOVEMBER 30, 1934



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Approved Code No. 142—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

RETAIL JEWELRY TRADE

As Approved on November 30, 1934

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
RETAIL JEWELRY TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to the Code of Fair Competition for the Retail Jewelry Trade, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By **W. A. HARRIMAN, Administrative Officer.**

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D. C.,
November 30, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of the Hearing on certain amendments to the Code of Fair Competition for the Retail Jewelry Trade, conducted in the Rose Room of the Washington Hotel, Washington, D. C., on July 19, 1934; and of a Hearing on an amendment to said Code conducted in Room 128 of the Willard Hotel, Washington, D. C. on May 5, 1934. The amendments which are attached were presented by the National Retail Jewelry Code Authority, the duly qualified and authorized representative of the Trade.

The first of the annexed amendments permits professional persons employed in working at their profession, to work unlimited hours, provided they receive at least the same minimum wages established in this Code for executives. Prior to this amendment there was no restriction as to the hours of labor of professional persons, and due to the nature of the work of professional persons, it is felt that no restrictions as to their hours of labor should be contained in the Code, providing such professional persons receive adequate compensation for their labors.

The second of the annexed amendments permits employees who are especially skilled to work without restriction as to the maximum hours of labor during peak periods, provided that such employment is compensated for at the rate of time and one-half. Inasmuch as during such peak seasons it is often difficult to obtain skilled workmen, such as watchmakers, watch repairmen, engravers and setters, and inasmuch as it is often impractical to employ new employees whose integrity is not established to handle articles of such high value which might easily be stolen, and who are not familiar with the particular work of the establishment in such high skilled lines, it is felt that this amendment is necessary and proper.

The third amendment annexed hereto, prohibits the piracy of original designs of one retail jeweler by another retail jeweler, when such original design is registered within 48 hours of its creation with the appropriate Code Authority. Through this provision, a very unfair practice will be eliminated and the positions of designers employed by retail jewelers will be more secure. Without such protection, many retail jewelers could not afford to employ a designer, for other retail jewelers who made use of such designs could produce jewelry based on the original design at a lower cost than the jeweler who had the expense of creating the design.

The fourth amendment annexed hereto, regulates advertisements concerning the sale of jewelry merchandise on installment payment plans in such a manner as to make certain that the consumer will not be misled as to any obligations which he will have to contract in addition to the cash price in order to obtain the benefits of paying the purchase price over a period of time. It is felt that this amendment will prove beneficial both to the great bulk of retail jewelers and to the consuming public.

The fifth of these annexed amendments is a revision of the former provision prescribing a limit on the number of persons who may work unrestricted hours under the Code. While it is felt advisable to permit certain types of employees, such as executives and professional persons, to work unrestricted hours, due to the nature of their occupation, it is felt that in order to promote the purposes of the National Industrial Recovery Act in increasing employment and bettering the position of employees, a reasonable limit should be placed upon the number of persons who may work unrestricted hours under the Code provisions. It is felt that this provision as amended sets a limit which is equitable both to the retail jewelers concerned and their employees.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

It finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the National Retail Jewelry Code Authority to present the aforesaid amendments on behalf of the Trade as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons the amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

NOVEMBER 30, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE

Subsection (a) of Article IV, Section 4 shall be amended to read as follows:

(a) The maximum periods of labor prescribed in Section 1 of this Article shall not apply to professional persons employed and working at their profession, who are receiving salaries on the same basis as specified for executives in paragraph (c) of this Section, or to outside salesmen, outside collectors, watchmen, guards, and store detectives.

Add the following paragraph to Subsection (d) of Article IV, Section 4:

During such peak periods employees who are especially skilled, such as watchmakers, watch-repairmen, engravers, designers, polishers, and setters, may work without restrictions as to the maximum periods of labor otherwise prescribed for such peak periods and without regard to the consecutive hour provision of Article IV, Section 6; provided, however, that time and one-half shall be paid for any hours worked in excess of the maximum daily hours otherwise permitted in such periods, and provided further, that the employer shall first, without success, have made a bona fide effort to obtain additional employees.

Add a new Subsection (r) to Article VIII, Section 1:

(r) No retail jeweler shall take orders for, or imitate, a current original design of another retail jeweler, which design is registered within 48 hours of its creation with the appropriate Local Retail Jewelry Code Authority, or if there be no Local Code Authority, with the National Retail Jewelry Code Authority; nor do any work on any such registered design except with the written consent of the person making the registration. The protection of any individual registered design under this provision shall extend for six months from the date of such registration and no longer. The National Retail Jewelry Code Authority shall, subject to the disapproval of the National Recovery Administration, promulgate such rules and regulations concerning registration as may be necessary to provide that only such current designs as meet the requirements of this provision shall be registered and for the proper enforcement of this provision.

Add a new Subsection (s) to Article VIII, Section 1:

(s) Advertisements offering merchandise for sale on installment payment plans shall clearly and unequivocally indicate the cash price, and separately in one total amount, all interest charges and all other charges which are added to the price at which such merchandise will be sold for cash, and/or which must be paid in excess of the cash price in order to obtain title to the merchandise so advertised.

The following paragraph shall be substituted for Section 5 of Article IV:

5. Limitation Upon Number of Persons Working Unrestricted Hours.—Notwithstanding the provisions of the foregoing Sections of this Article and regardless of the number of persons otherwise permitted to work unrestricted hours, the total number of workers in any establishment (whether such workers are executives, proprietors, partners, persons not receiving monetary wages, and others) who shall be permitted to work unrestricted hours shall not exceed the following ratio, to be computed upon the average number of employees during the preceding twelve (12) months, unless the establishment has been operating less than twelve (12) months, in which case the number of employees of instant date shall be the basis upon which computation shall be made: In establishments comprised of twenty (20) workers or less, the total number of workers who may work unrestricted hours (not including those workers specified in subsections (a), (b), and the second paragraph of subsection (d) of Section 4 of this Article) shall not exceed one (1) worker for every five (5) workers or fraction thereof; provided that in retail jewelry establishments with five (5) or less workers, two (2) workers qualifying under this Section may, but only in a managerial capacity, work unrestricted hours; in establishments comprised of more than twenty (20) workers, the total number of workers who may work unrestricted hours (not including those workers specified in subsections (a), (b), and the second paragraph of subsection (d) of Section 4 of this Article) shall not exceed one (1) worker for every five (5) workers for the first twenty (20) workers and shall not exceed one (1) worker for every eight (8) workers above twenty (20) workers.

Approved Code No. 142—Amendment No. 3.
Registry No. 1631-11.



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